

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, Utah
March 8, 2011

I. CALL MEETING TO ORDER: The meeting was called to order at 7:00 pm by Mayor Hunt Willoughby.

A. Roll Call: The following Council members were present and constituted a quorum:

Mayor Hunt Willoughby

Council Members: Jim Tracy, Bradley Reneer, Troy Stout, Kent Hastings, Kimberly Bryant

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jay Healey, Annalisa Beck, Police Chief Kip Botkin, Fire/EMT Chief Brad Freeman, Jannicke Brewer

Others: Wayne Winsor, Travis Flygare, Jon Shepherd, Ed Ford, Danny Campbell, Brandy Godwin, Dustin Mitchell, Peyton Hathorne, Natalie Barrett, Lynn Armitstead, James Lawrence, Will Jones, Tom Hawthorne, Heidi Hastings, Dana Beck, Greg Gardner, Nancy Jones, Ryan Palmer

B. Prayer: Troy Stout

C. Pledge of Allegiance: Rich Nelson

II. PUBLIC COMMENT: None

III. CONSENT CALENDAR

A. Approve minutes of February 22, 2011

MOTION: Bradley Reneer moved to approve the minutes of February 22, 2011. Troy Stout seconded. Ayes: 3 Nays: 0. Motion passed unanimously. Kent Hastings and Kimberly Bryant were not present at the time of the motion.

IV. REPORTS/PRESENTATIONS

A. Financial Report: Rich Nelson said the fund balance was up a little bit for the month of February. Revenue property tax had increased over last year. He explained that after this year the redemption tax would be called for under Truth in Taxation. It was explained that the redemption tax referred to the situation when people didn't pay their property tax the year it was due. They had five years to catch up before the property went to a tax sale. When the tax payment was finally made, it was called a redemption tax.

The sales tax was down from the previous year because the statewide Christmas sales tax revenue was down. He explained that 50% of the sales tax went to the community in which the business was located or point of sale. The remainder went to a state pool where it was apportioned out to the cities in the state. Most of Alpine's sale tax revenue came from the state pool.

The motor vehicle tax was about the same as the previous year. The revenue from building permits and plan check fees were up about \$50,000. Rich Nelson said the recent census showed there were 150 empty homes in Alpine which was a lot for a population of about 10,000.

B. Metropolitan Water District of Salt Lake and Sandy – Right-of-way Encroachments – Wayne Winsor. Mr. Winsor said the Metropolitan Water District provided water for the Salt Lake area. They were served by three aqueducts that carried water from Deer Creek reservoir through Provo Canyon. One of the aqueducts came through Alpine City. The pipeline had been built by the Bureau of Reclamation 60 years ago and was in relatively good condition for its age, but they would need to begin upgrading the pipeline. The District had inventoried encroachments on the pipeline easement, and indentified 145 encroachments in Alpine. People who owned property next to the easement had planted or constructed something on the easement rather than on their own property. The District would be contacting those people and asking them to remedy the situation. Some may be reluctant or even hostile and would likely be contacting Alpine City to complain. Mr. Winsor said that was why he wanted to give the Council and City a heads-up on what might be happening. Along with notifying property owners who had encroached, they would be sending an annual newsletter to all the people who owned property next to their aqueduct

easement. He would also send a newsletter to Rich Nelson who could forward it on to the Council. Their contact information was: Metropolitan Water District, 3430 E. Danish Road Cottonwood Heights, UT 84093. www.mwdsls.org

V. ACTION/DISCUSSION ITEMS

A. McNiel Subdivision, Plat D – Lon Nield - Concept Plan: Shane Sorensen said the Planning Commission had reviewed the concept plan at the previous meeting and this item was before the Council for information only. The subdivision was located at approximately 750 N. Quail Hollow and consisted of four one-acre lots with a larger 5th lot that could be subdivided at a later date. Earlier Lon Nield had dedicated the right-of-way for an extension of Alpine Boulevard to Alpine City.

B. Roger Bennett Subdivision – Roger Bennett - Concept Plan. Shane Sorensen said the 4-lot subdivision for Roger Bennett was located at approximately 1101 E. Alpine Boulevard and was part of the same annexation as McNiel Plat D. The lots were approximately one acre in size. With dedication of the right-of-way for Alpine Boulevard, the road could be extended and connected to the northern section. Shane Sorensen said building the road was not a priority for Alpine City, but if the developers decided to build it, they would pay for it. This item was for information only.

C. Ordinance No. 2011-06, an Ordinance Amending the Alpine City Development Code, Article 3.1.11 Definitions: David Church said that he had suggested to April Naidu that the City might want to add a definition of a residence to the Development Code. Other cities had had issues with the definition of a residence in relation to short-term rentals, particularly cities that were near ski resorts. The definition of a residence would exclude short-term rentals in Alpine. The proposed ordinance also changed “servants” to “domestic help.” There was a clarification to the definition of a family to include foster children.

Bradley Reneer asked about Definition 37 which defined a residential facility for persons with a disability. He said there were people in the community with children with a disability, and in some cases they might have more than one disabled child. He asked if that section would apply to them. David Church said that the difference was that residential facilities for the disabled were licensed as opposed to a residence of a person with a disability. It was agreed that distinction should be included in the ordinance.

MOTION: Jim Tracy moved to approve Ordinance No. 2011-06 amending Section 3.1.11 (Definitions) of the Zoning Ordinance and add the following modification: Under item 37. Residential facilities for persons with a disability, the definition would be reworded to state, “A residence which is licensed according to: (A & B as proposed).” Bradley Reneer seconded. Ayes: 3 Nays: 0. Motion passed unanimously. Kent Hastings and Kimberly Bryant were not present at the time of the motion.

D. Resolution No. R2011-05 Amending the Consolidated Fee Schedule: Shane Sorensen said the only amendment was adding a fee for the extension or reinstatement for a preliminary plat approval. There was a fee mentioned for the extension of final plat approval but not preliminary. Shane Sorensen said the fee covered staffs costs for review, etc.

MOTION: Jim Tracy moved to adopt Resolution R2011-05 amending the Consolidated Fee Schedule to assess a fee for the extension or reinstatement of a preliminary plat approval. Troy Stout seconded. Ayes: 3 Nays: 0. Motion passed unanimously. Kent Hastings and Kimberly Bryant were not present at the time of the motion.

E. Ordinance No. 201-07, Moratorium on Propane Tanks: David Church said he had written the ordinance and emailed it to April Naidu but she had not been at work that day so it was not available. He said the Planning Commission had been concerned about the recent number of residents who were burying propane tanks in their yards in order to have fuel in the event natural gas was not available. Some of the tanks were fairly large and they voted to impose a short moratorium while they studied the issue.

Mayor Willoughby asked if there were any pending applications for propane tanks, which there were not.

Jannicke Brewer said there had been an increase in the number of tanks in the last year. There were a couple of homes with multiple 1000-gallon tanks. One homeowner had wanted to install it himself which raised concerns.

Fire Chief Brad Freeman said he had been studying propane tank in terms of the fire department's response and had concerns. Propane was heavier than air so if there was a leak, it did not disperse like natural gas. Rather, it seeped into the ground and into the foundations of dwellings. It wasn't just the homeowner that would be affected. The tanks lasted 18-24 years at which point they began to corrode. In the right situation, a propane tank could act like a bomb. He said 500 gallons of propane would heat a home for a year, and suggested allowing a 500 gallon tank for a residence but no more.

Bradley Reneer asked what range or area would be affected if a tank exploded. Brad Freeman said he wasn't an expert on how big an explosion above ground might be but when there was an incident with a 500 gallon tank, they evacuated a city block. It was a very volatile gas with an explosive ability similar to gasoline. He said propane tanks would be another complication for the fire department to deal with in the event of an earthquake.

Kent Hastings arrived at the meeting at 7:40 pm.

Rich Nelson suggested they table the item until the next meeting since they didn't have an ordinance.

David Church said that once the city announced they were studying the issue, they had a right to object and hold off on any application until the City decided what they wanted to do. If an application was already in process, the moratorium would not affect it anyway.

F. Resolution No. R2011-06 - Settlement of the Patterson Litigation.

MOTION: Troy Stout moved to go to executive session for 15 minutes to discuss litigation. Jim Tracy seconded. Ayes: 4 Nays: 0. Troy Stout, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously. Kimberly Bryant was not present at the time of the motion but arrived shortly thereafter and was present at the executive session.

The City Council and staff convened to the conference room for the executive session at 7:45 pm.

The Council returned to open meeting at approximately 8:00 pm. Mayor Willoughby explained that the City had been negotiating a settlement agreement with Patterson for some time and had not had a chance to review the latest version of the agreement. He asked David Church to give a brief synopsis of the litigation.

David Church said the City had been involved in a long series of litigation with Wayne Patterson and some of his companies. The first started in 1996 and was followed by another in 2002. They were consolidated into one lawsuit. They arose out of a previous lawsuit that was settled in 1994. Mr. Patterson claimed Alpine City had breached the terms of the 1994 Settlement Agreement. In addition there were other allegations relating to the City's refusal to annex Pine Grove and later Box Elder South.

In the original settlement agreement in 1994 the City was required to reimburse Patterson for the water system in Box Elder. The City disputed the costs and there was also a problem in tracking the payments. Patterson also claimed that the water system he built for Box Elder was meant to also serve the Pine Grove area and the Box Elder South property. There was an exhibit in the 1994 Agreement that showed both areas being served by the system. However, the Box Elder water system wasn't large enough to handle the additional areas.

After years of going back and forth, the City received a proposal from Patterson for a settlement agreement. Patterson had filed a plat with Utah County to develop Box Elder South and he said they were ready to approve it. He approached the City and said he had created a special service district for water and sewer. He said that if the City would acknowledge that he was entitled to water service from the Box Elder water system for the Box Elder South development and if the City would give him water for Pine Grove, he would dismiss all the claims against the City.

Based on that, the City and Patterson had been trying to craft an agreement that would dismiss the claims with prejudice and at no cost to the City.

The agreement said that if and when the county approved Box Elder South, Patterson would build the water structure but the City would act as the provider. It would not be annexed but would be treated like the Alpine Cove sewer. Patterson would build it and the City would do the billing and maintenance so he didn't have to have a special service district. It would be the same way with the sewer. Instead of building a lift station, they would be allowed to cross Lambert Park and would have to revegetate the disturbances. After it was built, Alpine City would be the operator as was done in Alpine Cove.

In this agreement the City would also allow him to have three culinary hook-ups for the Pine Grove property. There would be a master meter at the edge of his property and he would be responsible to take it to the lots. The City would also agree to extend the settlement agreement on Box Elder allowing him to be reimbursed for water connections. The settlement agreement on Smooth Canyon would also be extended. Finally, the City would remain neutral in Patterson's efforts to obtain water from the irrigation company.

David Church said the benefit to the City was that there was some risk in the litigation regarding claims that they were indebted for the Box Elder water system. There was not so much risk on the annexation issues and planning and zoning. The benefit to Patterson was that it would save him significant money in his efforts to develop Box Elder South in the county.

Troy Stout asked what the City's risk would be in terms of dollars if they did not settle, and on a scale of 1 to 10, how risky it would be.

David Church said he did not think it was appropriate for the city attorney to speculate in public, but Patterson had sued for what would be more than a million dollars plus there were other items like requiring the City to annex Pine Grove and Box Elder South with a certain density. There was risk in all litigation and some elements were more risky than others.

Troy Stout asked about the construction of the sewer line on Lambert property because it didn't state a time when it would be completed.

David Church said that was a good point. It was probably something that was discussed by the engineers but was an oversight of the attorneys.

Shane Sorensen said they could add something to the agreement requiring it to be completed within 30 or 60 days.

Troy Stout said there were a number of heavily used trails in Lambert Park that would be affected by construction of a sewer line. Could they push the installation into a season when there was less use of the trails or do it in stages so there was at least one trail in use. He said it would be nice to see Patterson open up some of the trails that he had previously blocked off.

David Church said that part of the reason they were laying a sewer line was because gravity flow was better. Lift stations were difficult to maintain especially if it failed.

Mayor Willoughby said that on page 4, about halfway through the second paragraph, they had agreed to change the word "will" to "may" in reference to the building a supplemental pump for 400 gallons.

The discussion returned to construction of the sewer line. Shane Sorensen said the workers could backfill as they went. He expected the time the trails were out of service would be very short.

Troy Stout said he just wanted to make sure they weren't leaving out something they wished they had controlled upfront.

MOTION: Bradley Reneer moved to adopt Resolution No. R2011-06 authorizing settlement of the Patterson lawsuit. Jim Tracy seconded. Ayes: 3 Nays: 2. Bradley Reneer, Jim Tracy and Kent Hastings voted aye. Troy Stout and Kimberly Bryant voted nay. Motion passed.

G. Street Alignment at 400 West 200 North: Mayor Willoughby said Councilman Kent Hastings had asked for this item to be on the agenda and invited him to address it.

Kent Hastings said many of his neighbors were concerned about the safety of the intersection at 400 West 200 North, especially in the winter. Before they put in the 3-way stop, a motorist could drive up the hill without stopping. With the stop sign, it sometimes made it difficult in the winter to make it up the hill. When coming down the icy hill, cars skidded off the road even when going slow. He said people coming down the hill may speed but it was more from a lack of awareness of how fast they were going. He thought a flashing speed warning sign might be more effective than the stop sign at the bottom of the hill. He said one of the reasons the city cited for having stop signs was sight distance. But if you were parked at the intersection, you could see all the way up to Chatfield's driveway. He said the feedback he was getting from people was that having the stop signs there caused more safety concerns than having a through street. The police could blitz the traffic on the hill with speeding tickets and that would slow the traffic.

Shane Sorensen and staff had reviewed the intersection and included their findings in the packet. Mr. Sorensen said they put in the 3-way stop during the reconstruction of Westfield Road in 2007, taking into consideration the future subdivision at the intersection. They decided to plan a perpendicular 4-way intersection to accommodate the future subdivision. The new road would go through and connect to Main Street at about 600 North. He said staff had discussed the intersection at length and felt the safest thing was for it to be a 4-way stop. It was also the safest thing pedestrians. They didn't have the traffic count for all three legs but he thought the road with the highest volume was Westfield Road. There were about 3100 trips a day along Westfield Road. He said he felt the 3-way stop was the best option for this time.

Police Chief Kip Botkin said they had discussed it at length and he concurred with the City staff's recommendation for stop signs. In response to a questions about accidents on the corner, Chief Botkin said there were a lot of slide-offs that occurred before they got to the intersection. He didn't have exact figures on the number of accidents.

Jim Tracy said he traveled Westfield Road daily. It had more joggers and bikers than many other roads. He also watched for deer. He said he liked the idea of a flashing, solar-powered speed sign. He said he didn't think they should sacrifice safety for convenience.

Bradley Reneer said he'd gotten a letter from a citizen about the intersection who referenced a study by the Utah League of Cities and Towns. The study found that stop signs in locations where they weren't really needed were more dangerous than no stop signs because they trained people to not stop at stop signs. He said he went and watched the intersection and saw enough cars go by that he didn't think the situation referred to in the letter applied to the intersection at 400 West and 200 North.

Kimberly Bryant said 400 West was just a bad road in the winter and had been ever since she was traveling it years ago to go to gymnastics.

Kent Hastings said he would like to know what the accident rate was. He said he'd lived up there for 15 years and had seen more accidents since the stop signs went in.

Lynn Armitstead said he lived on the corner of the intersection. It was a bad intersection and he recommended that when it snowed, it be one of the first places they sand. Cars did come down that road too fast. He said he had a hard time turning left into his driveway because people thought he was going up the hill and he would almost get rear-ended. Sometimes it was hard to make it up the hill after stopping. He said he thought the stop signs in both places were good. The road did need to be sanded first. He said he believed the number of accidents was about the same since they changed the intersection.

Shane Sorensen said that particular intersection was a priority when they plowed the roads. Rich Nelson said the schools were the first priority.

Bradley Reneer said he would like to know if they had taken into account the population growth up there relative to the number of accidents.

Jim Tracy asked how much it would cost to have a traffic engineer do a study. Shane Sorensen said he expected it would be about \$1000. Kent Hastings said he would rather put that money toward a flashing speed sign.

MOTION: Kent Hastings moved to table the issue until the next meeting and get more data on accidents in that intersection, and work with UDOT to utilize some traffic measuring devices. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

Shane Sorensen was asked to look into the cost of a flashing speed sign.

MOTION: Kent Hastings moved to have a two minutes recess. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

VI. BUDGET WORK SESSION FOR LONE PEAK SAFETY DISTRICT: Rich Nelson introduced the Council to the budget graphs that showed the amount of property taxes that actually came back to Alpine City. Most of the taxes (73%) went to Alpine School District. Alpine City got 11%. In past years the City had received more tax revenue than the City budgeted so it gave them a cushion. This year would be the first year that there was no cushion. The police budget had peaked and was actually going down. The fire department budget was going up and it included both fire and EMS. He suggested they separate the fire and EMS to have a more clear idea of where expenditures were. The cost of dispatch calls was based on both officer and public generated calls.

A. Police Department Budget: Chief Kip Botkin gave a presentation on the police department. There were 18.5 sworn officers, which included the chief, one lieutenant, three field supervisors, two detectives, one school resource officer, 10 patrol officers and one part-time bailiff & evidence custodian. In 2010 the detectives had handled 60 cases and spent a total of 3783 hours on them. 1,487 of the hours were on Alpine cases which was 39.31%.

As of January 2011, the department had a patrol staffing of 12 officers, which included 9 patrol officers and 3 sergeants. One officer was currently on light duty due to injury. There were several days during the week in which they had only one officer covering both Highland and Alpine between the hours of 2 am to 7 am. That didn't take into account an absentee void when an officer might be sick or otherwise absent, which would reduce the coverage even further.

Chief Kip Botkin said some budget issues in the police department were:

- 1) Vehicles had not been replaced in two years and it was becoming a necessity;
- 2) PSD employees had not had any type of salary increase including cost of living (COLA) or merit increases for two years;
- 3) New employees who had cleared their probation were still at entry level pay;
- 4) Proactive programs and community relations programs had not been conducted because of reduced budget;
- 5) Maintaining staffing was a struggle when officers were attending mandated training, sick or on vacation;
- 6) Increasing premiums for medical coverage was addressed by lowering the level of coverage or increasing the deductible paid by the employee.

Chief Botkin presented three different budget scenarios:

Option 1

18 officers
2% COLA
Duty weapons
3 replacement vehicles

Option 2

20 officers (same as in the 2007-08 budget)
2% COLA
Duty weapons
3 replacement vehicles
2 officers scheduled 24/7
Police motorcycle in school zone
DARE/NOVA type programs in schools
Park and trail patrol (summer only)
Better able to address absentee void

Option 3

22 officers
 2% COLA
 Duty weapons
 3 replacement vehicles
 2+ officers schedules 24/7
 Police motorcycle in school zones
 DARE/NOVA type programs in schools
 Park and trail patrol (summer only)
 Better able to address absentee void
 Community programs, neighborhood watch, emergency preparedness, etc
 Additional narcotic enforcement and prevention
 2 additional vehicles
 1 fulltime clerical

There was a question about tasers. Chief Botkin said the officers had Mace which had the disadvantage of potentially disabling the officer as well. He/she could use impact weapons, but there was a big void between impact weapons and deadly force (guns). In response to a question about deaths from tasers, the chief said they were rare. If there was a death and the user had been properly trained in the use of a taser, the manufacturer would stand in the officer's shoes in the event of a lawsuit.

B. Fire Department Budget Report. Fire Chief/EMT Director Brad Freeman presented the report on the fire department budget. He began by reviewing several different situations in the Lone Peak response area where a life was or was not saved. In each of those cases, the difference between success or failure was the direct result of response time. He said that for years there was no ambulance in Alpine and in a medical emergency, they had to wait for one to come from another city. There was an effort by the EMTs and firefighters, and Alpine finally acquired its own ambulance. There was a call the first day they had it. The second call was for a 3-year-old boy who had stopped breathing. He said the three-year-old boy was his own son. Chief Freeman said that since that time the community had grown and the fire department had grown. They had a highly trained paramedic unit, some of who were trained to flight medic status. They had purchased state of the art equipment with the hospital transfer money they were able to make by having an ambulance. They had monitors that would not only shock the heart but pace it and perform automatic CPR. They were one of the first departments to have it.

The fire department had two paramedics stationed in Alpine and a manned fire engine in Highland. The code required four men on a fire engine. There were no paramedics stationed in Cedar Hills. That increased the response time in Cedar Hills to seven or eight minutes which he said was not acceptable since brain death occurred in four minutes. He told about a realtor in Cedar Hills who choked and sought help, but when they got there it was too late and she was brain dead. Cedar Hills was requesting two paramedics.

Besides that, the Lone Peak Public Safety District was responsible for wilderness and back-country rescue because of the District's proximity to the American Fork Canyon and the mountains. That was not typical for other cities. He said that when they recovered the couple from Corner Canyon it took seven hours and involved everyone. They had to call in mutual aid to cover the towns.

Chief Freeman said it had been suggested that they take two men from Highland and put them in Cedar Hills but that left them with a non-functional fire engine company for the whole district. There would only be two men on the fire engine. If they responded to a fire, it was against code to enter a building with fewer than four men present.

Kent Hastings asked why it would be possible to have two men in Cedar Hills, two in Highland and two in Alpine. They would all meet up at the fire and have six people.

Chief Freeman said that would be a huge risk because if the two fire fighters showed up at a burning house where a child was trapped inside, they couldn't just stand around outside and tell the parents they couldn't go in until two

more fire fighters showed up. Chances were, the fire fighters would go in anyway which drastically increased the odds of them being injured and created a large liability.

Mayor Willoughby said it was late and they would not be making any decisions that evening, but invited those in the audience to comment if they desired.

Ed Ford said he had been a resident of Alpine for 9 years. His wife had had a stroke. He said the thing that concerned him was that they had the same amount of residents they had where he lived in California but the taxes were three times higher. He said they needed to properly staff the fire department. He asked why they didn't have a system better than Murray City. This was Alpine. Paying more taxes was not an issue. He said he wanted to live in Alpine for another ten years and he wanted to have the best fire department. It was ahead of education. He said he didn't want a part-time or volunteer person working on him.

Greg Gardner said he was a fire fighter and had lived in Alpine for 12 years. If they showed up at a burning building with just two people, there was a lot of risk. He asked the Council to do what was best for the fire fighters, not just for the citizens.

Ryan Palmer said his family had lived in Alpine for 30 plus years. James Palmer was his dad and had had five strokes. The EMTs picked him up and his dad survived because of his response time. He said having a properly staffed department was a necessity to save the aging population in Alpine. If people knew what was happening, they would be behind it 110 percent. He said he would pay any amount of money knowing they saved his dad's life. It was of utmost importance.

Nancy Jones said she had been a resident of Alpine for 15 years. She said she was appreciative of Jim Tracy because he cared about what the citizens were interested in. She also appreciated Councilman Reneer because he had actually talked to the citizens about fire and police service. She said she would pay hundred times over to save her child's life. She urged the Council to listen to the citizens.

Peyton Hathorne said he had no clue there were no paramedics in Cedar Hills. The Council talked about keeping two in Alpine and two in Highland and two in Cedar Hills, but if they showed up and there was a child in the building, they would go in there. He said he would appreciate it if the Council would staff the fire department properly. He said his neighbors would have also attended the meeting had they known of the situation. He asked how much they spent on fireworks for Alpine Days. He said he believed in budgets but some things were more important than others. Funds could come from somewhere else.

Jim Tracy said he thought it was evident there needed to be a tax increase. He didn't see any way around it. They needed to tell the citizens early on and invite them to attend the meetings.

Mayor Willoughby agreed and asked Rich Nelson to get them the number for the increase. They would put it in the Newsliner. He thanked the police and fire departments for the presentations.

MOTION: Jim Tracy moved to adjourn. Bradley Reneer seconded. Ayes: 3 Nays: 0. Motion passed unanimously. Kimberly Bryant and Troy Stout had left earlier in the meeting.

The meeting was adjourned at 11:35 pm.